

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1 and 12 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 2, 4, 5, 10, and 12 are pending and under consideration. Claims 6-9 are pending but withdrawn from consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 3, numbered paragraph 6, claims 1, 2, 4, 5, 10, and 12 were rejected under 35 U.S.C. §103 in view of U.S. Patent No. 6,367,348 to Toelke, et al. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claims 1 and 12, as currently amended, are directed to a pedal device having, among other features, a pair of straight guides that define a relative spatial relationship between the intersection point, noted by reference character "S" in Fig. 1, of perpendicular lines at midpoints of a pair of straight guides and the center of an operating portion of a pedal arm (reference numeral 18 in Fig. 1) in both its fully retracted and fully advanced positions. The pedal device of the present invention has a first horizontal distance, the horizontal distance between point S (Fig. 1) and the center point of the operating portion 18, when operating portion 18 is in the fully retracted position. The pedal device of the present invention has a second horizontal distance between point S (Fig. 1) and the center point of the operating portion 18, when operating portion 18 is in the fully advanced position. Claims 1 and 12, as amended, recite that the "a first horizontal distance between said intersecting point and a center of said operating portion at its fully retracted position is shorter than a second horizontal distance between said intersecting point and a center of said operating portion at its fully advanced position." Support for this amendment can be found in paragraph number 044 of the application specification, as well as Fig. 1 of the application drawings.

Thus, in the case of a pedal device in which the first horizontal distance is equal to the second horizontal distance, the vertical position of its operating portion remains constant as the operating portion is moved toward the rear of the vehicle, parallel to said longitudinal direction. The pedal device of the present invention, however, recites a first horizontal distance that is shorter than the second horizontal distance, thus the vertical position of its operating portion is lowered as the operating portion is moved toward the rear of the vehicle, parallel to said longitudinal direction.

Applicant respectfully submits that Toelke, et al. fails to teach or suggest any relative spatial relationship in the pedal structure between an intersecting point of perpendicular lines at midpoints of a pair of straight guides and a center of an operating portion of a pedal arm at its fully retracted and advanced positions. Further, Applicant respectfully submits that Toelke, et al. fails to teach or suggest the specific pedal structures or functions of the present claimed invention that defines the recited relative spatial relationship. Accordingly, independent claim 1(as amended), claims 2, 4, 5, and 10 depending either directly or indirectly therefrom, and claim 12 (as amended) are believed to be in condition for allowance.

CONCLUSION:


In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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